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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ulrich BEGEMANN et al.

Group Art Unit: 1731

Appln. No. : 09/899,163

Examiner: E. J. Hug

Filed : July 6, 2001

For : CONDITIONING AND/OR CLEANING DEVICE

APPEAL BRIEF

Commissioner For Patents
PO Box 1450,
Alexandria, Virginia 23313-1450

Sir:

This appeal is from the Examiner's Final rejection of March 27, 2003. Appellant filed a Notice of Appeal on June 27, 2003 and is filing this Appeal Brief within the two month date of August 27, 2003.

The requisite fee under 37 C.F.R. 1.17(c) in the amount of \$ 320.00 for the filing of the Appeal Brief is being paid by check and is submitted herewith. However, if for any reason the necessary fee is not associated with this file, the Commissioner is authorized to charge the fee for the Appeal Brief and any necessary extension of time fees to Deposit Account No. 19 - 0089.

This appeal brief is being submitted in triplicate, pursuant to 37 C.F.R. 1.192(a).

A. REAL PARTY IN INTEREST

The real party in interest for the invention is Voith Paper Patent GmbH of Heidenheim, Germany by an assignment recorded in the U.S. Patent and Trademark Office in this Application No. 09/899,163 on July 6, 2001 at Reel 011960 and Frame 0628.

B. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences which would directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

C. STATUS OF CLAIMS

Claims 1-35, 38, 40-44 and 48-50 stand finally rejected under 35 USC 103(a) as being unpatentable over WO 98/27279 to LEIGHTOM (hereinafter WO '279) "as necessary" with US patent 5,879,514 to MESCHENMOSER (hereinafter MESCHENMOSER), and further "as necessary" with U.S. Patent No. 3,198,694 to JUSTUS (hereinafter JUSTUS '694) and/or U.S. Patent No. 3,198,697 to JUSTUS (hereinafter JUSTUS '697).

D. STATUS OF AMENDMENTS

The Amendment filed May 27, 2003 responding to the Final Official Action has been considered and entered for purposes of Appeal, as indicated in the Advisory Action mailed

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on June 16, 2003. This was also confirmed in a telephone conversation with Examiner Hug on July 21, 2003. In that telephone conversation, the Examiner also confirmed that the only rejection pending is the single obviousness rejection identified in the Advisory Action. No amendment, other than the aforementioned response, has been filed following the final rejection.

E. SUMMARY OF INVENTION

By way of one non-limiting example, the invention provides for a device 10 for conditioning, cleaning, or keeping clean a rotating roll of the pressing section of a paper machine. See paragraph [0041] of the instant specification.

In the embodiment shown in Figure 1, the two doctors 16, 18 are assigned to a suctioned felt roll 12 that is provided subsequently to the first press 20 of the pressing section of the paper machine. This first press 20 is a roll press. However, it can also be formed by an extended nip press. See paragraph [0043] of the instant Specification.

As can be seen in Figure 1, the doctors 16, 18 are arranged in the roll travel direction L before a point 22 at which at least one felt 24 approaches the felt suction roll 12. The doctor 16 can be a water stripping edge and it can be pressable against the roll. The doctor 18 can be an air stripping edge. A boundary layer doctor 26 can also be arranged before the felt approach point 22 and provided on the felt 24. See paragraphs [0044] - [0046] of the

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instant specification.

A seating part 30 can also be arranged between the suctioned felt guidance roll 12 having the doctors 16, 18 and the lower roll 28 of the first press 20. See paragraph [0047] of the instant specification.

It is advantageous for a distance “a” between the boundary layer doctor 26 and the felt approach point 22 to be less than approximately 500 mm, in particular less than approximately 400 mm, and preferably less than approximately 300 mm. Moreover, a low-pressure suction 78 is provided for suctioning off the space between the press 20 and the rotating roll 12. It can, for example, be provided for suctioning off this entire space. See paragraphs [0048] - [0049] of the instant specification.

The low-pressure suction 78 can also be used for suctioning off only the wedge-shaped opening that is formed by at least the rotating roll 12, the felt 24 approaching this roll, the rear doctor 18 viewed in the roll and/or belt travel direction L, and the boundary layer doctor 26 provided on the felt 24. See paragraph [0050] of the instant specification.

According to Figure 1, two water stripping edges 32 are assigned to the lower roll 28 of the press 20. In principle, such edges can be provided singularly or in a plurality. See paragraph [0051] of the instant specification.

In the embodiment shown in Figure 2, the device 10 of the lower opposing roll 14 is assigned to a shoe press 48 provided with an upper shoe press unit, here an upper shoe press

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roll 46. Here, the two doctors 16, 18 are arranged on the outer circumference of the grooved and/or blind bored opposing roll 14 at a distance from one another. See paragraphs [0052] - [0053] of the instant specification.

A cleaning device 50 which impinges the roll surface is provided in the roll travel direction L between the two doctors 16, 18. Here, for example, a jet cleaning or spraying device can be provided for the purpose of impinging the roll surface with a pressurized medium. A fluid, in particular water, or air can be provided as the pressurized medium. A combined blowing or spray and suction device is also conceivable, for example. See paragraph [0054] of the instant specification.

The cleaning device 50 includes at least one spray head 54 traversing crosswise to the roll travel direction L and rotating around its axis 52 (see also Figure 3) for impinging the roll surface with the respective pressurized medium. For example, this medium for impinging the roll surface can be under a pressure that is greater than approximately 20 bar and preferably less than about 25 to 30 bar. See paragraph [0055] of the instant Specification.

The spray head 54 includes at least one, in the present case at least two, nozzles 56 inclined to axis 52. Correspondingly, the nozzle jets 58 are inclined with respect to the axis 52 (see Figure 3). If the spray head 54 is rotating in the direction of the arrow F, the nozzle jets 58 impact the grooved and/or blind bored roll surface 60 in alternating directions. See

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paragraph [0056] of the instant specification.

The front doctor 18 in the roll travel direction L empties the grooves 62 and/or blind bores of the roll surface 60, whereupon the use of the nozzle jets 58 becomes more effective. See paragraph [0057] of the instant specification.

As can be seen in Figure 3, the spraying head 54 can be assigned to a vapor suction device 64. As can be seen from Figure 2, the cleaning device 50 can be enclosed and/or surrounded by a housing 66 that is open to the roll surface 60. Here, the housing 66 is sealed off from the roll surface 60 by way of the doctors 16, 18. See paragraphs [0058] - [0059] of the instant specification.

With reference to Figure 2, the rear wall 68 of the housing 66 in the roll travel direction L can be formed by a rubber blanket, for example. This rubber blanket can be provided in the region of an opening 72 leading to a groove 70 or the like. The lower boundary 74 of the enclosure 66 can be defined by the groove 70. See paragraph [0060] of the instant specification.

Fundamentally, the grooved and/or blind bored surface 60 can also be provided on a continuous belt. See paragraph [0061] of the instant specification.

The device 10 shown in Figures 2 and 3 can also be provided solely as a conditioning device in which, for example, the above-described doctors 16, 18 and cleaning device 50 are used for the purpose of evening out the amount of water supplied to the pressing nip 76 in

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the grooved and/or blind bored roll surface 60 and/or to remove water from the grooved and/or blind bored roll surface 60 for the purpose of increasing the dry content of the fibrous material web, here a paper or cardboard web, to be dewatered. Here, the device 50 including the spray head 54 can, for example, be provided for blowing the grooves and/or blind bores 62 (see also Figure 3) with a pressurized medium, in particular pressurized air. See paragraphs [0062] - [0063] of the instant specification.

The devices for evening out and/or removing water can also include a combined blowing and suction device. See paragraph [0064] of the instant specification.

Finally, the devices for evening out and/or removing water can, in particular, also be provided with a device for applying a hydrodynamically produced underpressure to the roll surface 60. In the present exemplary embodiment, this underpressure producing device includes, for example, the doctor formed by a diagonally arranged doctor 18. See paragraph [0065] of the instant specification.

The invention encompasses other embodiments and features which are not described herein. However, all the claimed features have been explained with sufficient clarity to enable the reader to understand the invention.

F. ISSUES ON APPEAL

Whether Claims 1-35, 38, 40-44 and 48-50 Are Improperly Rejected Under 35 U.S.C. section 103(a) as Unpatentable Over WO '279 (WO

98/27279) as necessary with MESCHENMOSER (US 5,879,514) and further as necessary with JUSTUS '694 (US 3,198,694) and/or JUSTUS '697 (US 3,198,697).

G. GROUPING OF CLAIMS

The following groups of claims are considered to stand or fall together, but only for purposes of this appeal: claims 6 and 7 stand or fall with claim 5; claims 11 and 12 stand or fall with claim 10; claim 14 stands or falls with claim 13; claims 18 and 19 stand or fall with claim 17; claims 23 and 24 stand or fall with claim 22; claims 29-35, 38 and 40 stand or fall with claim 1; and claim 42 stands or falls with claim 41. The remaining claims do not stand or fall together, at least for reasons explained below.

H. ARGUMENT

The Rejection of Claims 1-35, 38, 40-44 and 48-50 Under 35 U.S.C. section 103(a) as Unpatentable Over WO '279 as necessary with MESCHENMOSER and further as necessary with JUSTUS '694 and/or JUSTUS '697 is in Error, the Examiner's Decision to Reject These Claims Should be Reversed, and the Application Should be Remanded to the Examiner.

Reversal of the rejection of claims 1-35, 38, 40-44 and 48-50 under 35 USC 103(a) over WO '279 "as necessary" with MESCHENMOSER and further "as necessary" with JUSTUS '694 and/or JUSTUS '687 is requested.

In the rejection, the Examiner asserted that WO '279 teaches all the recited features except for, among other things, the recited pressure ranges, a boundary layer doctor, and a traversing or rotating spray device. However, the Examiner asserted that these features are either prima facie obvious or are taught by MESCHENMOSER and each of the JUSTUS documents. Accordingly, the Examiner concluded that it would have been obvious to one skilled in the art to modify and/or combine the above noted documents in order to render the above-noted claims unpatentable. Appellant respectfully traverses each of these rejections.

Appellant respectfully disagrees that the above-noted claims are unpatentable over the suggested combination of documents. The Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. This burden is perhaps most succinctly stated in M.P.E.P. 706.02(j) (pages 700-16 - 700-17, July 1998), viz., after indicating that the rejection is under 35 U.S.C. §103, there should be set forth (1) the relevant teachings of the prior art relied upon; (2) the difference or differences in the claim over the applied reference(s); (3) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter; and (4) an explanation why such proposed modification would have been obvious. It is further explained that, to establish a prima facie case of obviousness, three additional criteria are necessary: (1) there must be some suggestion or motivation to modify the reference; (2) there must be a reasonable expectation of success; and (3) the prior art reference must teach or suggest all the claim limitations. Further, in

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citing *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991) and *Ex parte Clapp*, 227 USPQ 972 (Bd. Pat. App. & Inter. 1985), it is stated in the M.P.E.P. that the teaching or suggestion to make the claimed invention must be found in the prior art and not be based upon the Appellants' disclosure. *M.P.E.P. 706.02(j) citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Appellant submits that the rejection should be reversed at least for the following reasons. First, the references themselves fail to provide objective evidence supporting a conclusion of obviousness of the claimed subject matter. Second, there is no motivation to combine the teachings of the prior art references in the manner asserted by the Examiner.

Notwithstanding the Office Action assertions as to what each of these documents discloses or suggests, Appellant submits that no proper combination of these documents discloses or suggests, *inter alia*, *an additional doctor being assigned to at least one felt that is guided around the rotating roll*, the additional doctor being arranged *upstream and at a distance from a take-on point and a low pressure suction device located near the additional doctor*, as recited in amended claim 1; *inter alia*, a cleaning device arranged within the housing, wherein the cleaning device can *impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar*, as recited in amended independent claim 48; *inter alia*, a cleaning device arranged within the housing, wherein the cleaning device comprises *a rotating spray head that can impinge the roll*

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surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, as recited in amended independent claim 49; and inter alia, a cleaning device comprising a spray head with nozzles that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, as recited in amended independent claim 50.

Appellant does not dispute that Figs. 1 and 2 of WO '279 apparently show a roll 5, two doctors 3 and 4, and a cleaning device 9. However, this document contains no apparent disclosure or suggestion with regard to the roll 5 having grooves and/or blind bores. Nor is there any disclosure or suggestion with regard to an additional doctor being assigned to at least one felt that is guided around the rotating roll, the additional doctor being arranged upstream and at a distance from a take-on point and a low pressure suction device located near the additional doctor. It is also apparent that this document lacks any disclosure or suggestion with regard to a cleaning device arranged within the housing, wherein the cleaning device can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device arranged within the housing, wherein the cleaning device comprises a rotating spray head that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device comprising a spray head with nozzles that can impinge the roll surface with a medium under

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a pressure that is greater than approximately 20 bar and less than about 30 bar.

Nor does Appellant dispute that Fig. 5 of MESCHENMOSER shows a roll 36, two doctors 60 and 92 and an additional doctor 58. However, it is clear that this document contains no disclosure or suggestion with regard to an additional doctor being assigned to at least one felt that is guided around the rotating roll, the additional doctor being arranged upstream and at a distance from a take-on point and a low pressure suction device located near the additional doctor. It is also clear that this document lacks any disclosure or suggestion with regard to a cleaning device arranged within the housing, wherein the cleaning device can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device arranged within the housing, wherein the cleaning device comprises a rotating spray head that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device comprising a spray head with nozzles that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar. This document also fails to disclose or suggest whether the roll 36 has grooves and/or blind bores. Nor is there any disclosure regarding the front doctor 60 scraping water off of the rotating roll 36 and regarding the rear doctor 92 scraping air off of the rotating roll 36. Finally, this document fails to disclose that an underpressure is hydrodynamically produced by at least one

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of the front doctor and the rear doctor.

Next, Appellant notes that the JUSTUS documents apparently disclose grooved rolls with a doctor, i.e., ref. 13e of JUSTUS '694 and refs. 29, 136, 136a and 137 of JUSTUS '697, assigned thereto. However, these documents contain no apparent disclosure or suggestion with regard to a front doctor that scrapes water off of the rotating roll and regarding a rear doctor that scrapes air off of the rotating roll. It is also clear that these documents fail to disclose or suggest that an underpressure is hydrodynamically produced by at least one of the front doctor and the rear doctor. It is also clear that neither of these documents contains any disclosure or suggestion with regard to an additional doctor being assigned to at least one felt that is guided around the rotating roll, the additional doctor being arranged upstream and at a distance from a take-on point in combination with a low pressure suction device located near the additional doctor. Finally, it is clear that these documents lack any disclosure with regard to a cleaning device arranged within the housing, wherein the cleaning device can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device arranged within the housing, wherein the cleaning device comprises a rotating spray head that can impinge the roll surface with a medium under a pressure that is greater than approximately 20 bar and less than about 30 bar, or with regard to a cleaning device comprising a spray head with nozzles that can impinge the roll surface with a medium under

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a pressure that is greater than approximately 20 bar and less than about 30 bar.

Because each of the applied documents fails to disclose or suggest at least the above-noted features of the instant invention, Appellant submits that any proper combination of these documents fails to render unpatentable the combination of features recited in at least independent claims 1 and 48-50.

Further, even assuming, *arguendo*, that it would have been obvious to modify the above-noted documents to include the features acknowledged by the Examiner to be missing, (which Appellant submits it would not be), Appellant notes that the combination of the teachings of these documents would nevertheless fail to result in a device that includes the combination of features recited in at least claims 1 and 48-50, for the reasons indicated above.

Furthermore, Appellant submits that there is no motivation or rationale disclosed or suggested in the art to modify the applied references in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify any of these documents, or their combination, in the manner suggested by the Examiner. Therefore, Appellant submits that the invention as recited in at least independent claims 1 and 48-50 is not rendered obvious by any reasonable inspection and interpretation of the disclosure of the applied references.

Appellant respectfully reminds the Board of the guidelines identified in M.P.E.P

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section 2141 which state that "[i]n determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification."

In re Linter, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)."

Moreover, it has been established that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).

Additionally, it has been held that “[a] statement that modifications of the prior art to meet the claimed invention would have been “ well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).”

Further, in addition to the fact that the rejection should be reversed, at least for the reason that a fair combination of the above-noted documents would not have resulted in the claimed invention, as recited in the independent claim 1, several of Appellant’s dependent claims provide further limitations based upon which the rejection should be reversed.

In this regard, claims 2-35, 38 and 40-44 depend from independent claim 1, and further recites features which provide a separate basis for patentability in that the recited features are not suggested by any proper combination of these documents. In particular:

claim 2 depends from claim 1 and further recites that said two doctors are located before the take-on point at which the at least one felt is guided onto the rotating roll. While Appellant does not dispute that the JUSTUS documents discloses various embodiments in which two doctors are associated with rolls through which a felt or belt passes, Appellant submits that none of the applied documents provide the motivation to combine the

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roll/doctor/belt arrangements of the JUSTUS documents with the doctor assembly of WO 279 and with the scraper device disclosed in MESCHENMOSER. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claim 3 depends from claim 2 and further recites that the additional doctor is a boundary layer doctor positioned adjacent said at least one felt before the take-on point. While Appellant does not dispute that Fig. 5 of MESCHENMOSER discloses a scraper 58 and two doctors 60 and 92 associated with a roll 36, Appellant submits none of the applied documents provide the motivation to combine the arrangement shown in Fig. 5 of MESCHENMOSER with the doctor assembly of WO 279 and with the press roll arrangements disclosed in the JUSTUS documents. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claim 4 depends from claim 3 and further recites that the low-pressure suction device is arranged for suctioning a wedge-shaped opening formed at least by the rotating roll and said at least one felt. Appellant submits that the Examiner has identified no disclosure in any of the applied documents which discloses or suggests this feature. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

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claim 5 depends from claim 3 and further recites that the distance between said boundary layer doctor and the take-on point is less than approximately 500 mm. Appellant submits that the Examiner has identified no disclosure in any of the applied documents which discloses or suggests this feature. Instead, the Examiner asserts that the recited distances are merely an obvious attempt to optimize conditions. Appellant respectfully disagrees and submits that it is entirely improper to disregard such recited distances. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claims 6 and 7 stand or fall with claim 5;

claim 8 depends from claim 1 and further recites that device further comprises a press arranged before the rotating roll, wherein the low pressure suction device is arranged for suctioning a space between said press and the rotating roll. While Appellant does not dispute that the JUSTUS documents disclose various embodiments which utilize roll presses, Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically discloses or suggests the combination of features recited in this claim. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown WO '279 with the teaching of

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MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claim 9 depends from claim 1 and further recites that the rotating roll comprises a suction felt guidance roll. While Appellant does not dispute that the JUSTUS documents disclose various embodiments which utilize suction rolls (see ref. 408 in JUSTUS '694 and refs. 8 and 9 of JUSTUS '697), Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically suggests the combination of features recited in this claim. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claim 10 depends from claim 9 and further recites that the device further comprises a first press of a pressing section of a paper machine, wherein said suction felt guidance roll is provided subsequently to said first press. While Appellant does not dispute that the JUSTUS documents disclose various embodiments which utilize suction rolls (see ref. 408 in JUSTUS '694 and refs. 8 and 9 of JUSTUS '697) and rolls presses, Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically

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suggests the combination of features recited in this claim. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown in WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claims 11 and 12 stand or fall with claim 10;

claim 13 depends from claim 10 and further recites that the device further comprises a spray guard positioned between said suction felt guidance roll and said first press. While Appellant does not dispute that WO 279 and MESCHENMOSER disclose various spraying devices, Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically suggests the combination of features recited in this claim. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claim 14 stands or falls with claim 13;

claim 15 depends from claim 1 and further recites that the device further comprises at least one cleaning device acting on a surface of the rotating roll. Moreover, claim 16

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depends from claim 15 and further recites that said at least one cleaning device is positioned between said two doctors. Finally, claim 17 depends from claim 15 and further recites that at least one cleaning device comprises at least one jet cleaning or spray device arranged to direct a pressurized medium at said surface. While Appellant does not dispute that WO 279 discloses a spraying device disposed between two doctors, Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically suggests the combination of features recited in these claims. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claims 18 and 19 stand or fall with claim 17;

claim 20 depends from claim 15 and further recites that said at least one cleaning device comprises a combined blowing or spraying device and suction device. Moreover, claim 21 depends from claim 15 and further recites that at least one cleaning device comprises at least one rotatable spray head arranged to traverse crosswise to the travel direction and arranged to rotate around an axis. While Appellant does not dispute that WO 279 discloses a spraying device, Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically discloses or suggests the

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combination of features recited in these claims. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown in WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claim 22 depends from claim 15 and further recites that said at least one cleaning device emits a medium onto said surface under a pressure that is greater than approximately 20 bar. While Appellant does not dispute that WO 279 discloses a spraying device which can emit a shower of about 4 bar (see page 4, fourth paragraph), Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically suggests the recited pressure (i.e., 4 bar is not a pressure that is greater than approximately 20 bar) and/or the combination of features recited in these claims. Moreover, Appellant submits none of the applied documents provide the motivation to combine and/or modify the arrangement shown WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claims 23 and 24 stand or fall with claim 22;

claim 25 depends from claim 15 and further recites that said at least one cleaning device comprises a spray head which is rotatable around an axis, said spray head including

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at least one nozzle which is inclined relative to said axis. While Appellant does not dispute that WO 279 and MESCHENMOSER disclose spraying devices, Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically suggests the recited rotatable spray head and/or the combination of features recited in these claims. Moreover, Appellant submits that none of the applied documents provides the motivation to combine and/or modify the arrangement shown in WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claim 26 depends from claim 25 and further recites that the device further comprises a vapor suctioning device, wherein said spray head is assigned to said vapor suctioning device. While Appellant does not dispute that WO 279 and MESCHENMOSER disclose spraying devices, Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically suggests a spray head that is assigned to a vapor suctioning device and/or the combination of features recited in this claim. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these

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documents;

claim 27 depends from claim 15 and further recites that the device further comprises a housing which is open to the rotating roll, wherein said at least one cleaning device is enclosed and/or surrounded by said housing. Moreover, claim 28 depends from claim 27 and further recites that said housing is sealed off from said surface by said two doctors. While Appellant does not dispute that WO 279 discloses a spraying device disposed between two doctors, Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically suggests the combination of features recited in these claims. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown in WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claims 29-35, 38 and 40 stand or fall with claim 1;

claim 41 depends from claim 40 and further recites that the device comprises a blowing device for blowing out the grooves and/or the blind bores with a pressurized medium. Moreover, claim 42 depends from claim 41 and further recites that said pressurized medium comprises pressurized air. While Appellant does not dispute that WO 279 and MESCHENMOSER disclose spraying devices, Appellant submits that the Examiner has

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identified no disclosure in any of the applied documents which specifically suggest blowing out the grooves and/or the blind bores with a pressurized medium such as air and/or the combination of features recited in these claims. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown in WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents;

claim 43 depends from claim 40 and further recites that the device further comprises a suction device for suctioning water out of the grooves and/or the blind bores. Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically suggests a suction device for suctioning water out of the grooves and/or the blind bores in combination with the other recited features. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown in WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents; and

claim 44 depends from claim 40 and further recites that the device comprises a combined blowing and suction device. Appellant submits that the Examiner has identified no disclosure in any of the applied documents which specifically suggests a combined

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blowing and suction device. Moreover, Appellant submits that none of the applied documents provide the motivation to combine and/or modify the arrangement shown in WO '279 with the teaching of MESCHENMOSER and the JUSTUS documents so as to render the features of this claim unpatentable. Again, absent Appellant's disclosure, there would be no reason to combine the teachings of these documents.

Thus, for all of the reasons given above, including the reasons given for the reversal of the rejection of independent claim 1 and 48-50, reversal of the Examiner's decision to reject claims 1-35, 38, 40-44 and 48-50 is respectfully requested. Further, Appellant requests that the application be remanded to the Examiner for allowance.

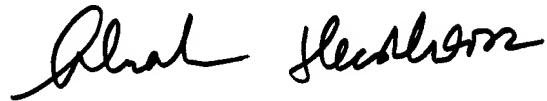
I. CONCLUSION

For the reasons advanced above, Appellant submits that the rejections are erroneous and that the Examiner's decision to reject claims 1-35, 38, 40-44 and 48-50 should be reversed. Claims 1-35, 38, 40-44 and 48-50 patentably define over the applied art of record.

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If there are any questions about this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Ulrich BEGEMANN et al.



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July 28, 2003
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Attachment: Appendix